

Express Mail Certificate No.: EV000524039US

Date Mailed: 13 February 2002

Attorney Docket No. P50785

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Butterfly et al.

Cont. of USSN: 09/763,569

Predecessor Group Art Unit No.: 1624

Filed: Herewith

Predecessor Examiner: T. McKenzie

For: Process for Preparing Crystalline Salts of Amoxicillin

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

**PRELIMINARY AMENDMENT**

Prior to calculation of the fees, entry of the following amendments and remarks into the record is respectfully requested.

In the Claims:

Please amend the following claims:

4 (amended). A process according to claim 1 wherein the first organic solvent is a (C 1-5) alkyl (C 1-5) alkanoate ester.

5 (amended). A process according to Claim 4 wherein the (C 1-5) alkyl (C 1-5) alkanoate ester is methyl acetate.

7 (amended). A process according to claim 1 wherein the second organic solvent is (C1-5) alcohol.

8 (amended). A process according claim 7 wherein the (C1-5) alcohol is methyl alcohol.

10 (amended). A process according claim 9 wherein the salifying compound is a sodium salt of a (C1-5) alcohol or a salt of a (C1-5) carboxylic acid.

16 (amended). A crystalline alkali metal salt of amoxycillin being the product of a process according to Claim 1.

### REMARKS

Claims 1 to 16 are in the application. Various claims have been amended to correct and obvious typographical error or to remove multiple dependencies. No new matter is believed added. A marked copy of the amended claims accompany this response as an appendix labeled "Marked Version to Show Changes Made".

An abstract on a separate sheet accompanies this amendment.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned at the number below. If any additional fees or charges are required by this paper the Commissioner is hereby authorized to charge Deposit account 19-2570 accordingly.

Respectfully submitted,



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MARKED VERSION TO SHOW CHANGES

The following claims have been amended:

4 (amended). A process according to claim 1 wherein the first organic solvent is a (C 1-5) [(C1-51-5)]alkyl (C 1-5) [(C1-51-5)] alkanoate ester.

5 (amended). A process according to Claim 4 wherein the (C 1-5) [(C1-51-5)]alkyl (C 1-5) [(C1-51-5)] alkanoate ester is methyl acetate.

7 (amended). A process according to claim 1 wherein the second organic solvent is (C1-5) [(C1-51-5)] alcohol.

8 (amended). A process according claim 7 wherein the (C1-5) [(C1-51-5)] alcohol is methyl alcohol.

10 (amended). A process according claim 9 wherein the salifying compound is a sodium salt of a (C1-5) [(C1-51-5)] alcohol or a salt of a (C1-5) [(C1-121-5)] carboxylic acid.

16 (amended). A crystalline alkali metal salt of amoxycillin being the product of a process according to Claim 1 [any one of the preceding claims].

ABSTRACT

A novel process for preparing a crystalline alkali metal salt of amoxycillin is disclosed.